

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Barry Green, Jr.,	)	C/A 0:05-1674-CMC-BM
	)	
Plaintiff,	)	
v.	)	
	)	
William K. Suter, Clerk of U.S. Supreme Court;	)	
and Clayton R. Higgins, Jr.,	)	
	)	
Defendants.	)	
	)	

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Plaintiff is an individual proceeding *pro se* in this court. Plaintiff's suit alleges Defendants, both of whom are employees or officials of the United States Supreme Court, refused to accept his attempted filing of a petition for writ of certiorari.

In accordance with the court's order of reference, 28 U.S.C. § 636 (b), and Local Rule 73.02 (B)(2)(e) (D.S.C.), this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial proceedings and a Report and Recommendation. On July 14, 2005, the Magistrate Judge issued a Report recommending dismissal of Plaintiff's complaint without prejudice and without issuance and service of process. The Magistrate Judge reasoned Plaintiff's claims are not cognizable in this court because Defendants are entitled to absolute quasi-judicial immunity and Plaintiff's suit is therefore subject to summary dismissal.

The Report advised Plaintiff of the procedures and requirements for filing timely objections to the Report and Recommendation. On July 21, 2005, Plaintiff filed objections to the Report and Recommendation of the Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court.

*See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

The court has reviewed the complete record in this matter, including the pleadings, Report and Recommendation of the Magistrate Judge, Plaintiff's objections, and the applicable law. The court agrees with the Report's analysis of Plaintiff's claims. Plaintiff's objections do not raise any legally meritorious issues in opposition to the Report and Recommendation. Accordingly, the Magistrate Judge's Report and Recommendation is adopted in full and incorporated into this Order.

IT IS THEREFORE ORDERED that Plaintiff's Complaint is dismissed without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

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s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
August 16, 2005

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